IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 4565 of 1998

Between:

M/s.Vamsi Krishna Rice Mill, Basavayapalem, Kodavalur Mandal, Nellore District, Rep. by its Prop. S.Nandakumar Reddy.

..... PETITIONER

AND

1. The Chief Engineer, Electricity, A.P.S.E.B., Nellore Zone, Vidyut Bhavan, Dargamitta, Nellore.

2. The Superintending Engineer, Assessments, A.P.S.E.B., Kadapa.

3. The Assistant Accounts Officer, E.R.O., Kovur, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, Order or direction more particularly one in the nature of writ of Mandamus declaring the order of the Chief Engineer, Electricity, Nellore Zone, Nellore, the first respondent herein, passed in Appeal No.A.132/97 dt.29.12.1997 confirming the order of the 2nd respondent in his Proc.No.SE/A/CDP/F.A.O./D.KVL/PF.8/96-97/D.NO.96-97 dt.23.05.1997 whereunder the energy charges of the petitioner mill was estimated at Rs.1,12,034/- as illegal, arbitrary and violative of principles of natural justice and also APSEB Terms and Conditions of Supply of Electrical energy and set the same after calling for the relevant records from the respondents and consequently direct that respondents to adjust the amounts already paid by the petitioner in this regard towards future consumption charges.

Counsel for the Petitioner: MR.V.SUDHAKAR REDDY

Counsel for the Respondents: SMT.M.VINOBHA DEVI

The Court made the following:

ORDER:

Heard the learned counsel for the petitioner and Smt.M.Vinobha Devi, the learned Standing Counsel appearing for the respondents.

The petitioner, who is running a non-trading rice mill, files this writ petition, *inter alia*, challenging the assessment made by the second respondent on 23.05.1997 as confirmed by the orders of the first respondent on 29.12.1997.

There is no dispute regarding the procedure followed by the respondents herein such as notice, counter notice and also ultimately finding that there was nothing wrong with the meter, but, however, having found that there was some meddling with the meter by putting the wire in zig-zag manner, it is alleged that the petitioner is responsible for the same and ultimately assessment was made at Rs.1,12,034/- which is confirmed in appeal.

Though several contentions have been urged across the Bar from both sides in respect of the allegations and counter allegations, however, it is not for this Court to go into the same in exercise of jurisdiction under Article 226 of the Constitution of India. It would suffice to take note of the fact that the inspection was conducted as long back as on 07.02.1997 and the petitioner has already deposited 50% of the amount as assessed as arrived at finally. In view of the

same, it cannot be said that the amount as arrived at is on proper side.

Accordingly, the writ petition is allowed in part reducing the amount under final assessment to 50% which has already been deposited by the petitioner. No costs.

09.12.2004

VGB

That Rule nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Thursday, The Ninth Day of December, Two Thousand and Four.

To

1. The Chief Engineer, Electricity, A.P.S.E.B., Nellore Zone, Vidyut Bhavan, Dargamitta, Nellore.
2. The Superintending Engineer, Assessments, A.P.S.E.B., Kadapa.
3. The Assistant Accounts Officer, E.R.O., Kovur, Nellore District.
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